

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

|                           |   |                               |
|---------------------------|---|-------------------------------|
| United States of America, | ) | C/A. No.: 8:13-cr-00361-GRA-1 |
|                           | ) |                               |
| Plaintiff,                | ) |                               |
|                           | ) |                               |
| v.                        | ) | <b>ORDER</b>                  |
|                           | ) | (Written Opinion)             |
| Charles Antoine Burgess,  | ) |                               |
|                           | ) |                               |
| Defendant.                | ) |                               |
|                           | ) |                               |

This matter comes before the Court on Defendant's *pro se* letter of July 6, 2015, concerning the "Writ of Habeas Corpus Ad Prosequendum," ECF No. 10, that U.S. Magistrate Judge McDonald issued on May 14, 2013. ECF No. 114. Defendant appears to believe that it is the May 14, 2013 Writ that is keeping the Defendant confined to his current facility and is requesting the Court to lift the Writ so that he can be transferred to the medical facility at Butner, N.C. *Id.* After a thorough review of the record, this Court will liberally construe the letter as yet another motion to be relocated from Kershaw Correctional Institution (a S.C. Department of Corrections facility) to Federal Correctional Institution - Butner (a U.S. Bureau of Prisons "BOP" facility).

Generally, "the decision on where to designate an inmate's place of imprisonment rests with the BOP," *Smith v. Lamanna*, No. 0:05-2260-MBS, 2006 WL 1705664, at \*2 (D.S.C. June 13, 2006) (citing 18 U.S.C. § 3621(b)), and the BOP may designate a state facility as the place of federal confinement, *Trowell v. Beeler*, 135 F. App'x 590, 593 n.1 (4th Cir. 2005). Further, for this Court to review the BOP's decision for abuse of discretion, Defendant is first required to exhaust available

administrative remedies and then file a habeas petition pursuant to 28 U.S.C. § 2241. *Hardin v. United States*, No. 7:00-CR-00314-GRA-2, 2012 WL 3945314, at \*2 (D.S.C. Sept. 10, 2012); *Lamanna*, No. 0:05-2260-MBS, 2006 WL 1705664, at \*2. Here, there is no indication that Defendant has done so. Accordingly, Defendant's motion must be denied.

**IT IS THEREFORE ORDERED** that Defendant's motion to be relocated is **DENIED** without prejudice.

**IT IS SO ORDERED.**



G. Ross Anderson, Jr.  
Senior United States District Judge

July 14, 2015  
Anderson, South Carolina